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Attorneys for Plaintiff
24 Hour Fitness USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN FRANCISCO DIVISION

24 Hour Fitness USA, Inc.,

Plaintiff,

vs.

Apex Stores, LLC,

Defendant.

No. CV 08 01681 HRL

**STIPULATION TO EXTEND TIME TO
FILE A RESPONSIVE PLEADING**

[N.D. Local Rule 6-1(a)]

Plaintiff 24 Hour Fitness USA, Inc. ("24 Hour Fitness") and Defendant Apex Stores, LLC ("Apex Stores") hereby file this Stipulation to extend the time for Apex Stores to answer or otherwise file a responsive pleading.

WHEREAS, 24 Hour Fitness commenced this action on March 27, 2008 in the U.S. District Court for the Northern District of California, San Jose division, and caused service of its Complaint to be made on Apex Stores' registered agent for service of process on May 12, 2008.

WHEREAS, in light of the above, Apex Stores' responsive pleading is due on or before June 2, 2008.

WHEREAS, on May 29, 2008, the parties agreed that Apex Stores could have until June 9, 2008 to answer or otherwise respond to 24 Hour Fitness' Complaint.

1 NOW, THEREFORE, it is hereby stipulated and agreed to by the Parties, through their
2 respective attorneys of record, that Apex Stores has until June 9, 2008 to answer or otherwise
3 respond to 24 Hour Fitness' Complaint.

4
5 Dated: May 30, 2008

MANATT, PHELPS & PHILLIPS, LLP

6 By: /s/ Britt L. Anderson

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16 Dated: May 30, 2008

[FIRM NAME]

17 By: /s/ Nathaniel Bruno

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24 *Attorneys for Defendant*

25 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Britt*
26 *L. Anderson hereby attests that concurrence in the filing of this document has been obtained.*

27
28 **IT IS SO ORDERED:**

MAGISTRATE JUDGE HOWARD R. LLOYD

DATED: _____